

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
June 27, 2011**

1. CALL TO ORDER

Mayor Al Lindquist called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, June 27, 2011.

2. ROLL CALL

Members present: Council members Allan Hartkopf, Duane Poppe, Rick Weber, and Mayor Al Lindquist.

Member absent: Council member Mark Schulz.

Staff present: City Administrator Jeffrey Dahl, City Attorney Loren Magsam, Police Chief Tom Hartkopf, and Fire Chief Mark Lynde.

Others present: Ryan Stonestrom, Paul Mendoza, Jason Miller, Tony Spinler, Ron Barger, James Kelly, Clair Coughlin, and Alicia Miller.

3. PLEDGE OF ALLEGIANCE

Lindquist led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Lindquist asked for additions or deletions to the Agenda.

A motion was made by Poppe, seconded by Weber, to accept the Agenda as presented. The motion carried 4-0.

5. CONSENT AGENDA

- A. Approve City Council Minutes of June 13
- B. Receive May Fire Report
- C. Receive American Legion May Gambling Report
- D. Receive Fire Relief Association May Gambling Report
- E. Receive Osseo Lions Club May Gambling Report
- F. Receive Osseo Maple Grove Hockey Association May Gambling Report
- G. Approve Renewal Application for Optional Liquor 2AM for Duffy's
- H. Approve Letter of Support for MN Housing Grant

A motion was made by Poppe, seconded by Hartkopf, to approve the Consent Agenda. The motion carried 4-0.

6. MATTERS FROM THE FLOOR - None.

7. SPECIAL BUSINESS

A. ACCEPT COMMUNITY PARTNERSHIP GRANT FROM CENTERPOINT ENERGY

Ryan Stonestrom, CenterPoint Energy, provided the Council with information on the Community Partnership Grant. He stated the funding would be used to assist the Police Department in purchasing a new mobile data computer for a squad car. Mr. Stonestrom presented the Council with a check for \$1,000 to assist with this expense.

Lindquist thanked Mr. Stonestrom for the grant to the City.

A motion was made by Poppe, seconded by Weber, to accept the Community Partnership Grant from CenterPoint Energy for \$1,000 for the purpose of purchasing equipment for the Police Department. The motion carried 4-0.

B. PRESENTATION OF HEART SAFE COMMUNITY PROGRAM

Fire Chief Mark Lynde explained the benefits of the Heart Safe Communities Program. He noted Osseo would be one of the first communities to take part in this initiative. The City's fire trucks and police cars have defibrillators but additional defibrillators were needed throughout the community.

Paul Mendoza of Advanced First-Aid, Inc., further discussed the Heart Safe Communities Program, a partnership of North Memorial Health Care and Advanced First-Aid, Inc. The initiative would encourage local businesses to purchase defibrillators and attend the necessary training. He stated additional AED's in the community would increase the heart safety of the City of Osseo. Mr. Mendoza indicated funds were available through the American Heart Association.

Weber questioned which businesses in the community would be targeted to purchase an AED. Fire Chief Lynde stated all businesses would be approached. He noted one restaurant has already agreed to purchase an AED and was willing to train 25 of their employees on the proper use of the unit. He stated that he would be completing the training himself along with several other firefighters.

Lindquist asked how the City would be rated for this program. Mr. Mendoza stated the program awards points based on the number of "units" within the community, along with trained personnel, local hospitals, and emergency response units all went in to calculate the City's Heart Safe rate.

Lindquist inquired about the expense of an AED unit. Mr. Mendoza stated there were two different units available ranging in price from \$1,500-1,700.

Dahl questioned the expense of the labor to train personnel on proper use of the AED. Mr. Mendoza stated North Memorial provides certificate training through a three hour class that costs \$50 per person. He stated he could provide the training in-house for one hour and recommended this be done on a quarterly basis. Fire Chief Lynde stated a member of the fire department members could be trained to lead future training sessions, which would be done on a voluntary basis.

A motion was made by Hartkopf, seconded by Poppe, to direct staff to apply to be recognized as a Heart Safe Community. The motion carried 4-0.

C. RECEIVE 2010 CITY AUDIT REPORT

Dahl stated Jason Miller, Smith Schafer & Associates, was present this evening to provide a presentation on the City's 2010 Audit Report. He indicated the entire Financial Summary would be available to the public on the City's website.

Jason Miller, Principal of Smith Schafer and Associates, thanked the Council for the opportunity to work with the City of Osseo. He then provided a power point presentation to the Council summarizing the Audit Report. Mr. Miller stated the audit provided the City valuable assistance in drafting future budgets and making other financial policy decisions. He noted the City's general fund reserve was approximately 39%.

Mr. Miller further discussed a letter with the Council on the audit findings along with the significant accounting findings. He noted there were no difficulties in completing the audit and corrections were proposed to staff. Mr. Miller then reviewed the management letter with the Council and recommended several suggestions to the City.

Lindquist reviewed how the accounting staff currently handled the finances for the City. He commended staff for completing the City's financial tasks in a timely, efficient, and professional manner. Mr. Miller agreed that the City's staff completed their work quite well on behalf of the City.

A motion was made by Poppe, seconded by Hartkopf, to receive the 2010 City of Osseo Audit Report and submit it to the Office of the State Auditor. The motion carried 4-0.

D. ACCEPT DONATIONS

Dahl stated the City had received several donations over the past two weeks and said donations were to be added to the Beautification/Flower Fund.

Lindquist read the list of donors:

Prime Advertising & Design	\$130
Bolton & Menk, Inc.	\$500
Clair & Pauline Coughlin	\$200
Smith, Schafer & Associates	\$130
Metro West Inspections	\$ 50
Century Link	\$390

A motion was made by Poppe, seconded by Weber, to adopt Resolution No. 2011-35, accepting donations for the Beautification/Flower Fund from the donors listed above. The motion carried 4-0.

8. PUBLIC HEARINGS

A. CONSIDER DECLARATION OF SURPLUS PROPERTY AND SALE OF OUTLOT 1, MASTLEY'S ADDITION

Dahl stated at the May 23 Council meeting the Council set a public hearing for this evening's meeting to consider the declaration of surplus property and the sale of Outlot 1 in Mastley's Addition, located between 501 5th Avenue NE and 429 5th Avenue NE. He indicated the Planning Commission considered this matter at its June 20 meeting and

determined that the outlot was surplus property and that the sale of this outlot would be in compliance with the Comprehensive Plan.

City Attorney Loren Magsam further reviewed the history of the outlot stating the property owners at 501 5th Avenue NE were now interested in purchasing the parcel to allow them to erect a fence on the property line. He explained that the property owner's survey differed from the City's survey on record at City Hall. The Council could review the information this evening, open the public hearing, and take action on the property sale at a future meeting.

A motion was made by Poppe, seconded by Weber, to open the Public Hearing. The motion carried 4-0.

Lindquist opened the public hearing at 7:57 p.m.

Anthony Spinler, 501 5th Avenue NE, stated he had his property surveyed recently prior to building a fence. He stated there was concern with his lot width near the street when compared to the City's survey. He reviewed the numbers with those posted on the County's website and the numbers were the same. However, the City's survey showed the lot width was eight feet less.

City Attorney Magsam recommended the Council continue tonight's public hearing to July to allow staff additional time to review this item.

A motion was made by Poppe, seconded by Hartkopf, to continue the Public Hearing and postpone action on this item to the July 11 Council meeting. The motion carried 4-0.

9. OLD BUSINESS

A. CONSIDER FIRE DEPARTMENT CODE AMENDMENTS

City Attorney Magsam stated at the June 13 City Council meeting the Council directed staff to prepare an opinion regarding the advantages and disadvantages of having a written employment contract versus a fixed term of appointment for the Fire Chief. In addition the Council was seeking additional information on the advantages of having an "at will" employee versus a "just cause" employee, and if a change was made if this violated the Fire Chief's employment contract.

City Attorney Magsam stated a written contract with the Chief was not the norm. The League of Minnesota Cities does not have a specific recommendation in this area. He explained that this position was also unique as the Fire Chief worked part-time in that capacity. He felt the advantages of a written contract did outweigh not having a contract with the Fire Chief.

City Attorney Magsam indicated many cities have fire chiefs that have indefinite terms. He stated a fixed term employee can always be reappointed to another fixed term at the end of an expiring term. He had no recommendation in this area as he felt both positions were equal.

City Attorney Magsam stated he was uncertain if the Fire Chief was an "at will" or "just cause" employee at this time. He stated the personnel policy does not cover firefighters. It was his opinion that the Fire Chief was "at will" at this time, but further documentation

would have to be reviewed to clarify this further. It was his opinion that it benefitted the City to have the Fire Chief as an “at will” employee.

City Attorney Magsam then commented on the Fire Chief’s contract status. He explained changing the Chief’s status from indefinite to a fixed term could create a breach in the contract on the City’s behalf. The City’s valid argument on this issue was then reviewed. He concluded that making the change from an indefinite term to a fixed term did not create a significant risk for the City in breach of contract.

City Attorney Magsam indicated if the Council was in favor of the code amendments, the Ordinance would come before the Council for a First Reading at the July 11 meeting.

Poppe stated he was in favor of a written employment agreement with the Fire Chief as an “at will” employee with an indefinite term.

A motion was made by Poppe, seconded by Lindquist, to have the proposed code amendments brought back to the July 11 Council Meeting, and a written employment agreement drafted for the Fire Chief as an “at will” employee with an indefinite term.

Weber questioned if the Fire Chief should be allowed an indefinite term or fixed term.

Lindquist felt it was only fair that his term remain indefinite as he was hired and assumed the position under those terms.

The motion carried 4-0.

10. NEW BUSINESS

A. CONSIDER COMMUNITY CENTER AGREEMENT/POLICY

Dahl indicated in the Spring of 2010 the City changed the Community Center policy to encourage rental on the weekends while increasing revenues. He noted two caterers were selected and Lynde’s Catering has been the only vendor utilized. Unfortunately, revenues have been less than expected. The current arrangement or set up would need to be altered.

Dahl stated Maple Tavern was now interested in utilizing the Community Center on the weekends for weddings, along with Boerboom Park. He recommended the Council consider a change to the Community Center Agreement allowing Maple Tavern to be a qualified vendor for the Community Center.

Fire Chief Lynde felt the City could improve the marketing of the Community Center. He expressed concern with the fact that renters could use the Community Center space at a reduced rate Monday through Thursday without the need of a caterer.

Dahl stated the Community Center was a public building that should meet the needs of the general public. Weekend events, however, could have a more elaborate setup with alcohol service. He understood that the City could be more diligent in marketing the space to bring in additional events and revenue streams for the City.

A motion was made by Poppe, seconded by Weber, to direct Staff to speak with Maple Tavern and make suggested changes to the Rental Policy and Agreement for Catering Services for the Community Center.

Hartkopf reiterated that all City parks are now smoke free and wanted to be sure this change was made in the agreement.

The motion carried 4-0.

B. CONFIRM ACTIONS OF JUNE PUBLIC SAFETY ADVISORY COMMITTEE MEETING

Dahl indicated the Public Safety Advisory Committee (PSAC) met on June 21. The PSAC reviewed the 2010 Auto Aid Report. No action was taken on this issue but would continue to be monitored.

Dahl stated the committee considered implementation of a Public Safety Administrative Fines policy. This policy would bring in additional revenue to the City and would outweigh any additional staff time by the Police Department. City Attorney Magsam further reviewed how this policy would be handled by the City.

Dahl explained the committee considered the implementation of public safety service fees. These fees would primarily cover additional labor costs (\$60/hour) associated with non-City events such as the Lions Roar and the Osseo Marching Band Festival.

Dahl noted the last issue discussed was the City's Emergency Preparedness Plan. Police Chief Hartkopf summarized Osseo's current plan with the PSAC.

A motion was made by Poppe, seconded by Hartkopf, to confirm the actions of the Public Safety Advisory Committee at its June 21 meeting.

Hartkopf expressed concern with the public safety service fees as this could deter future events from selecting the City of Osseo. He stated the Osseo Lions contributed a great deal of money to the City and felt these fees were unnecessary.

Weber stated the public safety service expenses were currently being paid by the taxpayers and felt the fees would assist in recouping the public safety expense.

Lindquist suggested this item be reviewed further and that the Council be diligent in spending City funds.

The motion carried 3-1 (Hartkopf-nay).

C. ACCOUNTS PAYABLE

Dahl reviewed the Accounts Payable with the Council.

A motion was made by Poppe, seconded by Weber, to Approve the Accounts Payable (Listing 062711AP, run 06/23/11 10:13 AM, for \$37,304.83) as presented. The motion carried 4-0.

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Dahl informed the Council that the first Farmers Market was scheduled for Tuesday, July 12, from 2:00 to 6:00 p.m. There were about a dozen vendors already signed up for the market.

Dahl stated he heard great things about the recent Osseo Marching Band Festival. He thanked Kevin Rebman and the Osseo Band Boosters for bringing this great event to the City.

Dahl reported the Budget and Finance Committee would be reviewing the Request For Proposals for auditing services, along with initiating the 2012 budgeting process, in early July.

12. COUNCIL AND ATTORNEY REPORTS

Weber stated he attended the Band Festival this past weekend. He suggested the public be allowed to purchase hanging baskets from Lynde's Nursery at the same time as the City to increase the resident's buying power.

Poppe thanked everyone for the Band Festival, stating the cleanup was handled well. He stated he attended the League of Minnesota Cities conference last week and valued the information gained.

Hartkopf agreed the conference in Rochester was well done. He stated he would be in Seattle, Washington, next week for a Lions International Convention.

Lindquist indicated he would be at the Farmers Market on July 12 from 2:00 to 6:00 p.m.

Lindquist encouraged residents to speak with their neighbors and take part in Night to Unite on August 2. Registration forms were available at City Hall and were due on Friday, July 29.

Poppe suggested that Night to Unite be made into a community event in Boerboom Park, followed by the Movie in the Park. He stated hot dogs and brats could be grilled.

Police Chief Hartkopf indicated this was a great idea, but requested a community picnic wait until September to allow for neighborhood gatherings on Night to Unite. He stated there were eight different groups that met last year.

Lindquist reviewed the seminars he attended at the League of Minnesota Cities conference last week. He felt the information presented was extremely valuable.

13. ADJOURNMENT

A motion was made by Poppe, seconded by Hartkopf, to adjourn the City Council meeting at 9:00 p.m. The motion carried 4-0.

Respectfully submitted,

TimeSaver Off Site Secretarial Service, Inc.